



SEXUAL MISCONDUCT IN THE MILITARY: *A CONGRESSIONAL REVIEW* (*INTERIM REPORT*)

Issued by:

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SEXUAL MISCONDUCT IN THE MILITARY: A Congressional Review (Interim Report)

Introduction

In November 1996, Committee on National Security Chairman Floyd Spence and ranking member Ron Dellums appointed Military Personnel Subcommittee Chairman Steve Buyer and Representatives Tillie Fowler and Jane Harman to lead the committee's oversight efforts on sexual misconduct in the military services. Since that time, these members have begun a bi-partisan, systematic, and thorough effort to understand the causes and contributing factors that led to the events at Aberdeen Proving Ground, Maryland, as well as at other training centers and military bases around the world.

For this ongoing effort, which will examine each of the military services, Mr. Buyer, Mrs. Fowler and Mrs. Harman have made an important commitment to be directly and personally involved – to seeing and hearing first-hand what military members have to show and tell. A critical element to understanding of the complex issues is to actually visit with commanders, senior enlisted members, drill sergeants and trainees at the training sites, and to meet with the command leadership, senior non-commissioned officers, junior officers and junior enlisted members at operational units.

Bipartisan Approach

This investigation into sexual misconduct has been, and will continue to be, conducted in an open, bipartisan manner.

Any interested House member is welcome to attend any briefings, trips or hearings on this matter.

Visits Conducted

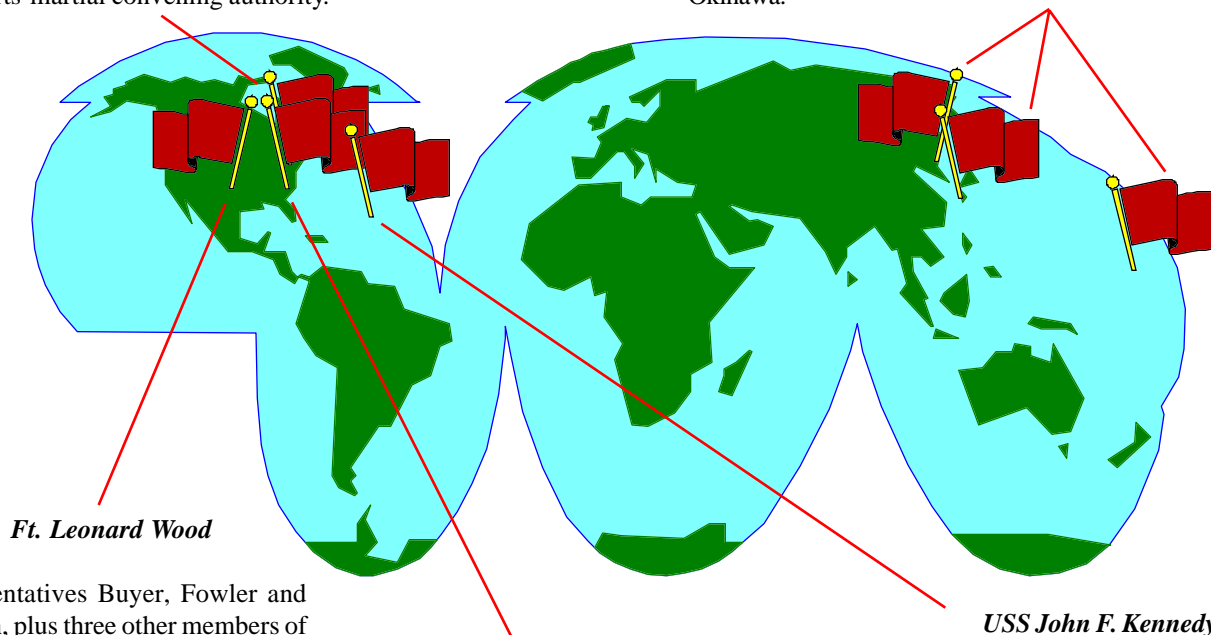
Aberdeen Proving Ground

Representative Buyer organized a trip to the Ordnance Center and School at Aberdeen Proving Ground in Maryland last December. Thirteen House members, including Representatives Buyer, Harman and Fowler, participated in the day-long visit on December 11, 1996.

The trip was designed to provide members with a general overview of the situation at Aberdeen, as well as to afford them a firsthand opportunity to assess the overall climate at the installation. During the visit, the members met with the commanding general of the Ordnance Center and School, trainees, drill sergeants, first sergeants and company commanders, and members of the victims support team – chaplain, judge advocate general, psychologist. However, in order to protect the victim's right to privacy and to avoid compromising the criminal investigation, the visit did not include discussions with any of the victims, witnesses or the courts-martial convening authority.

Pacific Theater

As part of a previously-planned congressional delegation visit to Army, Air Force, Navy and Marine Corps sites in Hawaii, Korea and Japan, including Okinawa, in February 1997, Representatives Buyer and Fowler discussed sexual misconduct with command leadership and judge advocate generals, and conducted focus groups with senior female non-commissioned officers. Specific commands visited included the U.S. Pacific Command in Hawaii, including each service component command; U.S. Forces Japan, the 5th Air Force, 18th Wing and the 374th Airlift Wing at Yokota Air Base; the Eighth U.S. Army and the Seventh Air Force at U.S. Forces Korea; and the Marine Corps Base, Camp Smedley D. Butler, III Marine Expeditionary Force and the 18th Air Wing at Kadena Air Base during a visit to U.S. Forces Japan in Okinawa.



Ft. Leonard Wood

Representatives Buyer, Fowler and Harman, plus three other members of the Military Personnel Subcommittee (Representatives Taylor, Skelton and Bartlett) visited the Army's 3rd Training Brigade at Fort Leonard Wood on May 9, 1997. The members met with command leadership from the basic training, advanced initial training and drill sergeant training commands, and conducted focus groups with trainees, drill sergeants, drill sergeant in training, drill sergeant instructors, training unit first sergeants and commanders, and the victim support team (chaplain, medical, equal opportunity).

Commander in Chief, U.S. Atlantic Fleet

Representative Buyer visited the U.S. Atlantic Fleet in Norfolk, Virginia, in March 1997, enroute to the USS John F. Kennedy. During the visit, he met with the Deputy Commander in Chief, the fleet chaplain, fleet master chief, judge advocate general, the special assistant for women's issues and the Atlantic Fleet investigative service to discuss issues relating to sexual misconduct.

USS John F. Kennedy

Representative Buyer visited the aircraft carrier USS John F. Kennedy during an exercise in the Atlantic Ocean in March 1997. During the visit, he discussed sexual misconduct and command policies with the commanding officer, judge advocate general, chaplain, surgeon, equal opportunity officer and command master chief. In addition to these discussion, Mr. Buyer conducted focus groups with junior officers, chiefs (senior non-commissioned officers) and junior enlisted members.

Briefings Received

- **Aberdeen Proving Ground:** Member-level briefing on the investigation of allegations of sexual misconduct at Aberdeen Proving Ground. (conducted November 19, 1996)
- **Military Criminal Investigative Procedures:** Member-level briefing on each of the military services criminal investigative branches which addressed agent training and investigative procedures, with an emphasis on investigation of sexual misconduct. (conducted April 8, 1997)
- **Army Senior Review Panel on Sexual Harassment:** Member-level meeting with the chairman of the Army's Senior Review Panel on Sexual Harassment to discuss the panel's review process and efforts. (conducted March 20, 1997)
- **Military Justice System:** Member-level briefing on the military justice system including a discussion of options for pursuing sexual misconduct allegations. (conducted April 23, 1997)
- **Congressional Women's Caucus:** Briefing on National Security Committee oversight efforts by Representatives Buyer, Fowler and Harman. (May 7, 1997)



Observations and Emerging Trends

The complexity and difficulty of the issues arising from the allegations of sexual misconduct cannot be overemphasized. Understanding those complexities is the key to implementing effective solutions. There are no silver bullet, magic solutions to be found.

Drill Sergeant Selection and Training

- The drill sergeant selection process was criticized by command leadership, drill sergeant instructors, drill sergeants and company commanders and first sergeants at Ft. Leonard Wood. Specific criticisms include:
 - Selection process is not rigid enough.
 - Psychological testing is only done for those soldiers who volunteer to become drill sergeants, and then it is only a “check the box” routine.
 - Many soldiers see selection as a drill sergeant to be a career-ending assignment.
 - The drill sergeant selection, training and evaluation process does not take into consideration the level of maturity of a potential candidate.
 - Once identified by the Army as being on the drill sergeant track, the only way for a candidate to get out of becoming a drill sergeant is to turn it down and get out of service.
 - Soldiers who volunteer to be drill sergeants are screened by the chain of command and must receive the chain’s recommendation to become a drill sergeant in order to be selected to become a drill sergeant. Those soldiers who are selected by the Army to become drill sergeants are not screened by the chain of command.
- Several shortcomings in drill sergeant training also were identified by drill sergeant instructors and drill sergeants in training:
 - Drill sergeant school instructors cannot send a drill sergeant trainee home if the trainee lacks the maturity or simply isn’t ready to be a drill sergeant without adversely impacting the soldier’s career or service record. These soldiers may otherwise be good soldiers, but lack the qualities necessary to be good drill sergeants.

- Drill sergeant training course does not provide students with a realistic picture and preparation for what actually happens to a drill sergeant “on the trail.”
- Drill sergeant training course does not provide very much hands-on training; there needs to be more practical experience with real trainees.
- Company commanders cannot remove a less effective drill sergeant from the position unless they ruin the drill sergeant’s career. Many commanders felt that they should be able to remove a drill sergeant from the position without adversely affecting his/her career.

Quality of Basic Training

- Across the services, across the country, non-commissioned officers (NCOs) report that the services’ basic training programs are not properly training recruits. These NCOs claim that basic training has become “kinder and gentler,” and that trainees don’t learn discipline. In today’s high operations tempo environment, NCOs argue that a less-stringent training program does not prepare recruits for real-world operations – “you can’t throw down your stress card in the middle of flight operations (on an aircraft carrier).” (Most of the basic training programs have stress cards or trainee “rights cards” that are designed to help them deal with high-stress situations.)
- At Ft. Leonard Wood, even the trainees complained that basic training is not as tough as they had expected it to be.
- Due to increased concerns over reducing attrition, there is a sense among drill sergeants that basic training programs are losing focus on the real issue of basic training – transforming civilians into soldiers.

Criminal Investigative Procedures

- According to representatives from the Army and Air Force criminal investigative organizations,

they administratively identify (“title”) someone as a suspect of committing criminal sexual misconduct based upon “credible” evidence, as opposed to a preponderance of evidence, the measure used in civilian law enforcement.

- The Navy’s criminal investigators are all civilians and come from law-enforcement backgrounds; the Air Force uses a mix of civilians and military investigative agents, and the Army uses all military agents. The average age of Army agents is somewhat younger (28-29) than either the Air Force (34 for active-duty agents; 43 for civilian agents) or the Navy (42).

Manpower

- The drill sergeant to trainee ratio at both Ft. Leonard Wood and Aberdeen is less than the stated goals of the Army Training and Doctrine Command. At basic training, the goal is a 1 to 20 ratio (one drill sergeant for every 20 trainees); for advanced individual training (AIT) units the goal is a 1 to 50 ratio. In actual experience, the drill sergeant to trainee ratio at basic training at Ft. Leonard Wood is as high as 1 to 35, and at advanced individual training at Aberdeen the ratio frequently ranges between 1 to 80 and 1 to 120.
- Company commanders and first sergeants at Aberdeen did not believe the sexual misconduct cases there were indicative of a systemic problem, but rather, were the result of a shortage of drill sergeants. The impact of such a shortage is a less desirable trainee/drill sergeant ratio, which results in less interaction between drill sergeants and students.
- Drill sergeants are moved around frequently (at Aberdeen) – to other platoons or companies – and they frequently are pulled off drill sergeant duty for other duties (at both Aberdeen and Ft. Leonard Wood). The lack of stability is stressful for trainees and impacts negatively on their ability to develop trust and confidence in the drill sergeant.
- At both Aberdeen and Ft. Leonard Wood, there had been cutbacks in the number of chaplains assigned. Previously, at Aberdeen there used to be one chaplain assigned to each training company. However, three chaplain positions had been eliminated, and until recently, there were no chaplains at the training brigade (there now is one chaplain assigned to the training

brigade). At Ft. Leonard Wood, there are supposed to be six chaplains, but in reality, the number has averaged between three to five chaplains actually assigned.

Recruit Quality

- According to drill sergeants, first sergeants and company commanders, the quality of recruits is low due to a noticeable lack of physical conditioning and discipline. These views regarding physical conditioning were backed by findings of a January 1997 report by the General Accounting Office (GAO), “DOD Could Save Millions by Better Screening Enlisted Personnel.”
- Drill sergeants, first sergeants and company commanders at Ft. Leonard Wood all complained that, for fear of not meeting recruiting goals, Army recruiters are sending poor quality recruits to the service: “they (recruiters) are pulling people out of rubber rooms and sending them to us!” “We’re getting people who have no where else to go.” GAO noted that generally recruiters have no adequate incentives to screen out unqualified candidates.
- Screening at Military Entrance and Processing Station (MEPS) is poor according to first sergeants and company commanders at Ft. Leonard Wood. The GAO report gives credence to the views expressed at Ft. Leonard Wood: At least 55 percent of all attrition of enlistees during the first six-months of service in fiscal year 1994 was for medical conditions and failure to meet minimum performance criteria.

Training on Sexual Misconduct

- Training on sexual harassment begins the first day at Army basic training at both Aberdeen and Ft. Leonard Wood.
- All trainees at Ft. Leonard Wood, both at basic and AIT, are given a form to read and sign which outlines the trainee sexual misconduct and harassment policy.
- Most Army trainees at both Aberdeen and Ft. Leonard Wood were aware of the 1-800 hotline for reporting sexual misconduct, but noted that they are not allowed to use the phones during the first couple of weeks of training.

- On board the USS Kennedy, chiefs and junior enlisted members alike indicated that there is adequate training on sexual harassment; that on that ship it takes place more frequently than once every six months.

Holdovers

- According to first sergeants and company commanders at both Aberdeen and Ft. Leonard Wood, most sexual misconduct problems occur with trainees held over from one class to another.
- Once a decision is made to separate a person from basic, it takes a long time to administratively process that person out of the service.

Chain of Command

- As commanders at both Aberdeen and Ft. Leonard Wood readily admitted, the chain of command is responsible for setting the tone of the environment (command). Visits to training centers and operational units clearly illuminate the fact that the command climate can vary greatly, and that some commanders take preventing sexual misconduct much more seriously than others. For example, the climate at U.S. Forces Korea was much different from the climate at Yokota Air Base in Japan.
- As some trainees noted, if members of the chain of command are more visible, they seem more approachable in tough situations (such as reporting sexual misconduct).
- Most company commanders and members of the command leadership believe the chain of command concept works, but that there are individuals who

will do the wrong thing. When that happens, the system needs to punish them immediately.

- The majority of allegations of sexual misconduct are reported through the chain of command, according to command leadership and judge advocates general at Korea, Japan, Ft. Leonard Wood and on board the USS John F. Kennedy.

Other Emerging Issues Worthy of Further Review

- Some female trainees said they believed sexual harassment could happen and that it does happen, but that some trainees may exaggerate or make false claims of harassment to “get back at” drill sergeants. A mental health counselor at Aberdeen, when asked to comment on a female drill sergeant’s statement that 99 percent of the allegations being made are false, said: “We have some real victims and some who are enjoying being victims.”
- Drill sergeants at both Aberdeen and Ft. Leonard Wood believe they are the real victims – they are being treated as if they are guilty until proven innocent.
- Many allege that sexual misconduct, including harassment, raises fear among military members – men are afraid of false accusations and women are afraid of reprisal, mainly by peers, for reporting cases.
- The Navy definition of sexual harassment includes criminal sexual misconduct, which causes confusion.

Actions Taken

Army Criminal Investigative Command Internal Review:

After hearing allegations of investigator abuse and the use of coercive tactics at Aberdeen, Representative Buyer requested the Secretary of the Army to conduct a comprehensive investigation of these allegations by the Criminal Investigative Command's equivalent of an internal affairs division.

Reform of Military Recruiting Systems: The National Defense Authorization Act for Fiscal Year 1998 includes a requirement for the Secretary of Defense to undertake a series of department-wide recruiting reforms to analyze the reasons for new recruit attrition; create incentives for recruiters to improve the qualification screening of prospective recruits; assess the use of waivers to permit persons with otherwise disqualifying conditions to enlist; and to ensure the prompt separation from the military services of new recruits who are unable to complete basic training.

Improvements in Medical Prescreening of Applicants for Military Service: The National Defense Authorization Act for Fiscal Year 1998 directs the Secretary of Defense to undertake a number of reforms to improve the medical screening process of potential recruits.

Improvements in Physical Fitness of Recruits: The National Defense Authorization Act for Fiscal Year 1998 directs the Secretary of Defense to undertake a range of measures to improve the level of physical fitness of new recruits prior to the start of basic training.

Independent Panel to Review Military Basic Training: Based on concerns heard that the services' basic training programs are not producing well-qualified graduates, the National Defense Authorization Act for Fiscal Year 1998 requires the establishment of a panel to review the basic training programs of the Army, Navy, Air Force and Marine Corps and to make recommendations for improvements to these programs. The bill specifically directs the panel to review the course objectives, structure, and length of each of the military services' basic training programs and to focus on two key questions:

- Do the services' basic training programs produce graduates who are adequately trained to ensure that they report to operational units with an appropriate level of skills, physical conditioning and military socialization to meet unit requirements and operational readiness?
- Given the demographics, education and background of new recruits, are the basic training systems and objectives most efficiently and effectively structured and are the programs conducted to produce graduates who meet service needs?

Reform of Army Drill Sergeant Selection and Training

Process: In response to recommendations from drill sergeants, drill-sergeant instructors, and drill-sergeant trainees about needed reforms to improve the selection and training processes of drill sergeants, the National Defense Authorization Act for Fiscal Year 1998 directs several reforms:

- Chain-of-command assessments of the suitability and qualifications of all drill sergeant candidates.
- Psychological screening of all drill sergeant candidates.
- Revision of the drill-sergeant trainee evaluation system to expand assessments of qualifications and suitability to include "whole-person" evaluations; such revisions could include the use of drill sergeant trainee peer evaluations and subjective evaluations from instructors in the drill sergeant course.
- Providing all drill sergeant trainees prior to graduation with opportunities to work with actual new recruits in initial entry training.
- Revision of the military personnel records system to permit certain persons, under conditions

prescribed by the Secretary, to leave drill sergeant training without penalty or stigma on the person's future military career.

Study of Military Criminal Investigative Organizations:

Based on concerns about the manner in which each of the military services investigate sexual crimes, the National Defense Authorization Act for Fiscal Year 1998 requires the Secretary of Defense to provide for an independent review of the military criminal investigative organizations and their ability to effectively investigate allegations of criminal sexual misconduct. The bill directs the review to address several specific issues: the need for greater organizational independence from the military department chains of command; the adequacy of agent training relating to the investigation of sex crimes, including training on the proper conduct of subject and witness interviews; the screening, recruitment and hiring of agents; the number of allegations

of agent misconduct in the investigation of sex crimes; and the accuracy and timeliness of reporting sex crimes to the Department of Justice's National Crime Information Center.

Sexual Misconduct in the Armed Services: The report to accompany the National Defense Authorization Act for Fiscal Year 1998 strongly urges the Secretary of Defense to take all appropriate steps necessary to ensure that allegations of abuse of authority or sexual misconduct are promptly and thoroughly investigated by each military service. Furthermore, it urges the Secretary to ensure that effective reporting mechanisms and adequate training methods are identified, implemented and fully enforced to prevent such abuses of authority and sexual misconduct, and that proven allegations are addressed promptly in an appropriate and equitable manner.

Future Actions Planned

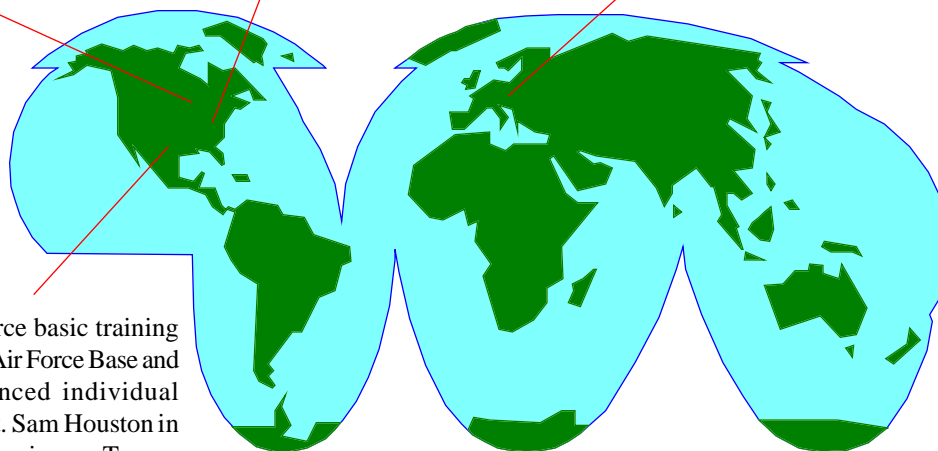
Additional Visits

Visit the Navy's basic training center at Great Lakes, Illinois. (tentatively scheduled for July 18, 1997)

Visit Marine Corps basic training at Parris Island, South Carolina. (date to be determined)

Visit Air Force sites in the United Kingdom, Army sites in Germany and Hungary, and Navy sites in Italy and Spain. (date to be determined)

Visit Air Force basic training at Lackland Air Force Base and Army advanced individual training at Ft. Sam Houston in San Antonio, Texas. (tentatively scheduled for August)



Additional Briefings

- Briefing on the Army Inspector General Report on sexual misconduct in the Army and the Army Senior Review Panel on Sexual Harassment. (tentatively scheduled for late June)
- Briefing on the Army Criminal Investigative Command internal review regarding allegations of coercive investigative tactics. (date TBD)
- Meet with Aberdeen victims of sexual misconduct. (date TBD)





Hearings

- **Military Personnel Chiefs:** Receive testimony on the sexual misconduct and sexual harassment prevention programs and reporting procedures of each of the services, and the specific measures being taken by each of them to convey the no-tolerance sexual harassment policies to all levels of the chain of command, as well as the effectiveness of those communications.
- **Secretary of Defense Task Force on “Good Order and Discipline” and DOD Inspector General Review of UCMJ Guidance on Adultery:** Receive testimony on the findings and recommendations of these comprehensive reviews that have been directed by Secretary Cohen relating to fraternization and sexual misconduct policies.

Possible Hearings

- **Army Senior Review Panel on Sexual Harassment:** Receive testimony on the findings of the Army’s Senior Review Panel on Sexual Harassment.
- **Aberdeen Chain of Command:** Receive testimony on the chain of command structure and problems at Aberdeen that allowed such extensive misconduct to occur. (Possibly by the Army IG, since the IG is looking into this issue.)
- **Service Training Commands:** Receive testimony on programs and changes that have been implemented to prevent sexual misconduct or drill sergeant abuses. Also, training command selection process for officers and drill sergeants, as well as manning levels.